

PROB 12C
(7/93)

Report Date: November 27, 2012

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 28 2012

JAMES R. LARSEN, CLERK
RICHLAND, WASHINGTON DEPUTY

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Sylvester Sam Dave

Case Number: 2:10CR02138-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: 4/13/2011

Original Offense: Fail to Register as a Sex Offender, 18 U.S.C. § 2250(a)

Original Sentence: Prison - 6 Months
TSR - 24 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Alexander Carl Ekstrom

Date Supervision Commenced: 5/25/2012

Defense Attorney: Diane E. Hehir

Date Supervision Expires: 11/24/2013

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on August 22, 2012.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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4	<u>Mandatory Condition # 2:</u> The defendant shall not commit another Federal, state, or local crime.
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Supporting Evidence: Mr. Dave was charged with Failure to Register as a Sex Offender, in the U.S. District Court for the District of Oregon, docket number 3:12-CR-587-HZ, on November 7, 2012.

According to the indictment filed on November 7, 2012, in U.S. District Court for the District of Oregon, on or about October 23, 2012, in the District of Oregon, the defendant was charged with failure to register as a sex offender under the Sex Offender Registration and Notification Act (SORNA).

On November 9, 2012, Mr. Dave appeared before the Honorable James P. Hutton, U.S. Magistrate Judge for his initial appearance, magistrate number 2:12MJ04307-JPH-1. The defendant waived his identity hearing and was ordered removed to the charging district, after resolution of his pending matter in this district. The Court also ordered the defendant remain detained by the U.S. Marshals Service until further order of the Court.

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- 5 **Standard Condition # 1:** The defendant shall not leave the judicial district without the permission of the Court or probation officer.

Supporting Evidence: Mr. Dave left the Eastern District of Washington without permission on or before October 23, 2012.

On October 23, 2012, Mr. Dave was located in Celilo Village, Oregon, which is outside the boundaries of the Eastern District of Washington.

- 6 **Standard Condition # 9:** The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.

Supporting Evidence: Mr. Dave associated with Ricky Wahchumwah, who was on Federal warrant status for failure to comply with his supervised release conditions on or before October 23, 2012.

On October 23, 2012, Mr. Dave and Mr. Wahchumwah were both arrested on Federal warrants for violating their conditions of supervised release. Both defendants were arrested at the same location in Celilo Village in the State of Oregon. Mr. Dave failed to report or get permission to associate with Mr. Wahchumwah.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 11/27/2012

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Other

Edward F. Shea

Signature of Judicial Officer

November 28, 2012

Date